

MELINDA L. HAAG, CSBN 132612
United States Attorney
LUCILLE GONZALES MEIS, SBN CO 15153
Regional Chief Counsel, Region IX
Social Security Administration
JACOB M. MIKOW, CSBN 238045
Special Assistant United States Attorney
333 Market Street, Suite 1500
San Francisco, CA 94105
Telephone: (415) 977-8976
Facsimile: (415) 744-0134
Email: jacob.mikow@ssa.gov

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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RONALD JOSEPH PLAGA,

• No. 5:09-CV-01194-RMW

Plaintiff,

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

**STIPULATION TO VOLUNTARY
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g) AND TO ENTRY OF
JUDGMENT**

Defendant.

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner has agreed to a voluntary remand of this case for further administrative proceedings, pursuant to *sentence four* of 42 U.S.C. § 405(g).

Upon remand, the Office of Disability Adjudication and Review will remand this case to an Administrative Law Judge (ALJ) and direct the ALJ to do the

1 following: (1) further evaluate whether Plaintiff's condition medically improved
2 in accordance with 20 C.F.R. §§ 404.1594(f)(1)-(8) and 416.994(b)(5)(i)-(vii),
3 beginning September 30, 2003, and (2) if necessary, further develop the medical
4 evidence to determine whether medical improvement occurred, beginning
5 September 30, 2003.

6 As noted, this stipulation constitutes a remand under the fourth sentence of
7 Section 205(g) of the Social Security Act. See 42 U.S.C. § 405(g).

8
9 Respectfully submitted,

10 Date: August 27, 2010

DOLLY M. TROMPETER

11 By: /s/ Dolly M. Trompeter*
12 DOLLY M. TROMPETER
13 (* By email authorization on August 27,
14 2010)

15 Attorney(s) for Plaintiff

17 Date: August 27, 2010

MELINDA L. HAAG
United States Attorney

19 By: /s/ Jacob M. Mikow
20 JACOB M. MIKOW
21 Special Assistant United States Attorney

22 Attorneys for Defendant

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25 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

26 Dated: 9/16/10

Ronald M. Whyte

27
28 THE HONORABLE RONALD M. WHYTE
United States District Judge